# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/087,939 | 02/27/2002 | Deanna Lynn Quigg Brown | AUS920010896US1 | 5277 |

| | | EXAMINER |
|---|---|---|
| 7590 | 11/16/2005 | FOX, JAMAL A |

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P.O. Box 202170
Austin, TX 78720-2170

| ART UNIT | PAPER NUMBER |
|---|---|
| 2664 | |

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _27 February 2002_.

2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,2,4-7,9-12,14-17,19 and 20_ is/are rejected.

7) ☒ Claim(s) _3,8,13 and 18_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _27 February 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All    b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Specification*

1.    Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2.    The abstract of the disclosure is objected to because it is not within the range of

50 to 150 words. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3.    The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.    Claims 1, 4-6, 9-11, 14-16, 19 and 20 are rejected under 35 U.S.C. 102(b) as

being anticipated by Adolfsson (U.S. Patent No. 6,092,078).

Referring to claim 1, Adolfsson discloses a method of maintaining a two-byte

(two-byte, col. 14 lines 23 – col. 15 line 12) identification field of an Internet protocol (IP)

header (IP header, col. 14 lines 23 – col. 15 line 12) of a packet, the packet being transmitted over a network, the method comprising the steps of:

determining (determine, col. 14 lines 30-35) whether the packet is permitted to be fragmented (fragment, col. 14 lines 30-35); and

using a non-unique identification (identification, col. 14 lines 20-40) number in the IP header if the packet is not permitted to be fragmented.

Referring to claim 4, Adolfsson discloses the method of claim 3 wherein a bit is set in the IP header (IP header, col. 14 lines 23 – col. 15 line 12) to indicate whether the packet is permitted to be fragmented (fragment, col. 14 lines 30-35).

Referring to claim 5, Adolfsson discloses the method of claim 4 wherein the bit is set in a flag (flag, col. 13 lines 10-15, col. 14 lines, 15-25 and col. 15 lines 1-12) field of the IP header (IP header, col. 14 lines 23 – col. 15 line 12).

Referring to claim 6, Adolfsson discloses a computer program product on a computer readable medium for maintaining a two-byte (two-byte, col. 14 lines 23 – col. 15 line 12) identification field of an Internet protocol (IP) header (IP header, col. 14 lines 23 – col. 15 line 12) of a packet, the packet being transmitted over a network, the computer program product comprising:

code means for determining (determine, col. 14 lines 30-35) whether the packet is permitted to be fragmented (fragment, col. 14 lines 30-35); and code means for using a non-unique identification (identification, col. 14 lines 20-40) number in the IP header if the packet is not permitted to be fragmented.

Referring to claim 9, Adolfsson discloses the computer program product of claim 8 wherein a bit is set in the IP header (IP header, col. 14 lines 23 – col. 15 line 12) to indicate whether the packet is permitted to be fragmented (fragment, col. 14 lines 30-35).

Referring to claim 10, Adolfsson discloses the computer program product of claim 9 wherein the bit is set in a flag (flag, col. 13 lines 10-15, col. 14 lines, 15-25 and col. 15 lines 1-12) field of the IP header (IP header, col. 14 lines 23 – col. 15 line 12).

Referring to claim 11, Adolfsson discloses an apparatus for maintaining a two-byte (two-byte, col. 14 lines 23 – col. 15 line 12) identification field of an Internet protocol (IP) header (IP header, col. 14 lines 23 – col. 15 line 12) of a packet, the packet being transmitted over a network, the apparatus comprising:

means for determining (determine, col. 14 lines 30-35) whether the packet is permitted to be fragmented (fragment, col. 14 lines 30-35); and

means for using a non-unique identification (identification, col. 14 lines 20-40) number in the IP header if the packet is not permitted to be fragmented.

Referring to claim 14, Adolfsson discloses the apparatus of claim 13 wherein a bit is set in the IP header (IP header, col. 14 lines 23 – col. 15 line 12) to indicate whether the packet is permitted to be fragmented (fragment, col. 14 lines 30-35).

Referring to claim 15, Adolfsson discloses the apparatus of claim 14 wherein the bit is set in a flag (flag, col. 13 lines 10-15, col. 14 lines, 15-25 and col. 15 lines 1-12) field of the IP header (IP header, col. 14 lines 23 – col. 15 line 12).

Referring to claim 16, Adolfsson discloses a computer system for maintaining a two-byte (two-byte, col. 14 lines 23 – col. 15 line 12) identification field of an Internet protocol (IP) header (IP header, col. 14 lines 23 – col. 15 line 12) of a packet, the packet being transmitted over a network, the computer system comprising:

at least one memory (memory, col. 8 lines 20-55, col. 9 lines 40-57) device for storing code data; and

at least on processor (CPU, col. 8 lines 20-52 and col. 9 lines 1-50) for processing the code data to determine (determine, col. 14 lines 30-35) whether the packet is permitted to be fragmented (fragment, col. 14 lines 30-35) and to use a non-unique identification (identification, col. 14 lines 20-40) number in the IP header if the packet is not permitted to be fragmented.

Referring to claim 19, Adolfsson discloses the computer system of claim 18 wherein a bit is set in the IP header (IP header, col. 14 lines 23 – col. 15 line 12) to indicate whether the packet is permitted to be fragmented (fragment, col. 14 lines 30-35).

Referring to claim 20, Adolfsson discloses the computer system of claim 19 wherein the bit is set in a flag (flag, col. 13 lines 10-15, col. 14 lines, 15-25 and col. 15 lines 1-12) field of the IP header (IP header, col. 14 lines 23 – col. 15 line 12).

5.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.      Claims 1, 2, 4-7, 9-12, 14-17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lincke et al. (U.S. Patent No. 6,590,588).

Referring to claim 1, Lincke et al. discloses a method of maintaining a two-byte (byte, col. 26 lines 52-60, col. 61 lines 5-13) identification field of an Internet protocol (IP) header (header, col. 77 line 48 – col. 78 line 34) of a packet, the packet being transmitted over a network, the method comprising the steps of:

determining whether the packet is permitted to be fragmented (fragmented, col. 77 line 48 – col. 78 line 34); and

using a non-unique identification (identification, col. 78 lines 25-34) number in the IP header if the packet is not permitted to be fragmented.

Referring to claim 2, Lincke et al. discloses the method of claim 1 wherein the network is a Gigabit Ethernet (ethernet, col. 51 lines 50 – 60) network.

Referring to claim 4, Lincke et al. discloses the method of claim 3 wherein a bit is set in the IP header (header, col. 77 line 48 – col. 78 line 34) to indicate whether the packet is permitted to be fragmented (fragmented, col. 77 line 48 – col. 78 line 34).

Referring to claim 5, Lincke et al. discloses the method of claim 4 wherein the bit is set in a flag field (flag field, col. 78 lines 25-34) of the IP header (header, col. 77 line 48 – col. 78 line 34).

Referring to claim 6, Lincke et al. discloses a computer program product on a computer readable medium for maintaining a two-byte (byte, col. 26 lines 52-60, col. 61 lines 5-13) identification field of an Internet protocol (IP) header (header, col. 77 line 48 – col. 78 line 34) of a packet, the packet being transmitted over a network, the computer program product comprising:

code means for determining whether the packet is permitted to be fragmented (fragmented, col. 77 line 48 – col. 78 line 34); and code means for using a non-unique identification (identification, col. 78 lines 25-34) number in the IP header (header, col. 77 line 48 – col. 78 line 34) if the packet is not permitted to be fragmented.

Referring to claim 7, Lincke et al. discloses the computer program product of claim 6 wherein the network is a Gigabit Ethernet (ethernet, col. 51 lines 50 – 60) network.

Referring to claim 9, Lincke et al. discloses the computer program product of claim 8 wherein a bit is set in the IP header (header, col. 77 line 48 – col. 78 line 34) to indicate whether the packet is permitted to be fragmented (fragmented, col. 77 line 48 – col. 78 line 34).

Referring to claim 10, Lincke et al. discloses the computer program product of claim 9 wherein the bit is set in a flag field (flag field, col. 78 lines 25-34) of the IP header (header, col. 77 line 48 – col. 78 line 34).

Referring to claim 11, Lincke et al. discloses an apparatus for maintaining a two-byte (byte, col. 26 lines 52-60, col. 61 lines 5-13) identification field of an Internet protocol (IP) header (header, col. 77 line 48 – col. 78 line 34) of a packet, the packet being transmitted over a network, the apparatus comprising:

means for determining whether the packet is permitted to be fragmented (fragmented, col. 77 line 48 – col. 78 line 34); and

means for using a non-unique identification (identification, col. 78 lines 25-34) number in the IP header (header, col. 77 line 48 – col. 78 line 34) if the packet is not permitted to be fragmented (fragmented, col. 77 line 48 – col. 78 line 34).

Referring to claim 12, Lincke et al. discloses the apparatus of claim 11 wherein the network is a Gigabit Ethernet (ethernet, col. 51 lines 50 – 60) network.

Referring to claim 14, Lincke et al. discloses the apparatus of claim 13 wherein a bit is set in the IP header (header, col. 77 line 48 – col. 78 line 34) to indicate whether the packet is permitted to be fragmented (fragmented, col. 77 line 48 – col. 78 line 34).

Referring to claim 15, Lincke et al. discloses the apparatus of claim 14 wherein the bit is set in a flag field (flag field, col. 78 lines 25-34) of the IP header (header, col. 77 line 48 – col. 78 line 34).

Referring to claim 16, Lincke et al. discloses a computer system for maintaining a two-byte (byte, col. 26 lines 52-60, col. 61 lines 5-13) identification field of an Internet

protocol (IP) header (header, col. 77 line 48 – col. 78 line 34) of a packet, the packet

being transmitted over a network, the computer system comprising:

at least one memory (memory, col. 9 lines 5-15, col. 14 lines 25-35 and lines 45-

55) device for storing code data; and

at least on processor (processor, col. 9 lines 5-15 and microprocessor, col. 23

lines 15-25) for processing the code data to determine whether the packet is permitted

to be fragmented (fragmented, col. 77 line 48 – col. 78 line 34) and to use a non-unique

identification (identification, col. 78 lines 25-34) number in the IP header (header, col. 77

line 48 – col. 78 line 34) if the packet is not permitted to be fragmented (fragmented, col.

77 line 48 – col. 78 line 34).

Referring to claim 17, Lincke et al. discloses the computer system of claim 16

wherein the network is a Gigabit Ethernet (ethernet, col. 51 lines 50 – 60) network.

Referring to claim 19, Lincke et al. discloses the computer system of claim 18

wherein a bit is set in the IP header (header, col. 77 line 48 – col. 78 line 34) to indicate

whether the packet is permitted to be fragmented (fragmented, col. 77 line 48 – col. 78

line 34).

Referring to claim 20, Lincke et al. discloses the computer system of claim 19

wherein the bit is set in a flag field (flag field, col. 78 lines 25-34) of the IP header

(header, col. 77 line 48 – col. 78 line 34).

### *Allowable Subject Matter*

7.      Claims 3, 8, 13 and 18 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

### *Conclusion*

8.      **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
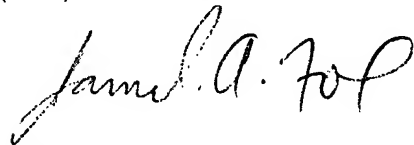> Washington, D.C. 20231

**or faxed to:**

> (571) 273-8300, (for formal communications intended for entry)

9.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-

3143.  The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on (571) 272-3134.  The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to 2600 Customer Service whose telephone number is

(571) 272-2600.

**Jamal A. Fox**

Application/Control Number: 10/087,939

Art Unit: 2664

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER